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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,524	10/04/1999	GLEN A. BOUCHER	E-908	8434

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EXAMINER

FADOK, MARK A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,524

Applicant(s)

BOUCHER ET AL.

Examiner

Mark A Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-8,13,15-17,19-22 and 24-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 1,2,3,6,7,8,13,15,16,17,19,20,21,22,24,25 and 26 is/are allowed.

- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Examiner is in receipt of response to Office Action mailed 11/6/2002, which was received by the Office 3/6/2003. Acknowledgement is made to the amendment of claims 1,2,13,15,24 and 26 and the Cancellation of claims 4,5,9,10,11,12,14,18, and 23, leaving claims 1,2,3,6,7,8,13,15,16,17,19,20,21,22,24,25 and 26 as pending. The arguments and amendment have been carefully reviewed but are found not to place the instant application in condition for allowance. The following is a modified rejection of the prior Office Action, which was necessitated by amendment.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karpinski, and further in view of WebMethods (a collection of related articles from PTO-892 listed as 1V, 2W, 3X, 4U, 5V, 6W, 7X, and 8U).**

In regards to claim 1, Karpinski discloses means for generating a tracking number associated with a package to be sent from the user to the recipient by a

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selected carrier. Karpinski teaches a web based package-tracking system that offers a means for managing tracking systems of multiple overnight mailing couriers simultaneously, allowing a user to generate a tracking request for a package using sophisticated agents and server technology that allows an air bill to be entered once and have the system return the information when found. Karpinski also teaches the application of an E-mail/paper-message service that will be managed over the Internet and an agent application that sends out requests in the form of scripts to the various carrier sites along with an HTML string that the system parses into records that get placed in a database and then can be accessed locally by the application (See entire article), but does not specifically mention some of the specific features claimed in the instant application such as means for generating a tracking number, the tracking number being associated with a package to be sent from the user to the recipient by a selected carrier. Webmethods teaches a technology that enables, among other things, tracking of packages from different carriers (see all articles and Karpinski, para. 12). It would be obvious to one of ordinary skill in the art to include in Karpinski the web automation technology that integrates package tracking (see all articles including the bottom of WebMethods3X, page 10 and WebMethods3x page 11, Ex. 1 and shipping and delivery services), because Karpinski specifically states that the technology from WebMethods "...sits at the center of the solution" (Karpinski, para 22) and also enables tracking of packages from different carriers (Karpinski para. 12). Therefore, since the technology already exists and is used to some extent in Karpinski, using the software developed by WebMethods would save many hours of programming by the user.

Moreover, Karpinski teaches means for generating a tracking request, the tracking request containing the tracking number associated with the package, as well as information of the particular carrier which is to deliver the package to the recipients (WebMethods website articles, page 11, Ex. 1, FedEx airbill); a storage location adapted to store the tracking requests (WebMethods website articles, page 27 last paragraph); a tracking coordinator adapted to receive said tracking request and adapted to generate tracking objects and adapted to send said tracking objects to the tracking website of the selected carrier (WebMethods website articles, page 13, entire Object Model section); means for receiving results from the tracking website of the selected carrier (WebMethods website articles, page 30, see section on Building distributed object applications with the toolkit); and means for updating the shipping server data storage with the results from the carrier website (WebMethods website articles, page 30, last paragraph).

wherein the tracking coordinator limits the generation of tracking objects for a particular carrier so as to be generated no more frequently than a predetermined number of tracking objects per predetermined time interval (WebMethods website articles, page 29, Using the toolkit to process Web-based data).

In regards to claim 2, Karpinski teaches a tracking result queue for receiving the results from selected carrier websites and for outputting these results for delivery to the shipping system server data storage device (see response to claim 1).

In regards to claim 3, Karpinski teaches wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package (see response to claim 1).

In regards to claim 6, Karpinski teaches wherein the tracking coordinator has means for generating tracking objects to a carrier tracking website using multiple Internet Protocol addresses (WebMethods website articles, page 29, Using the toolkit to process Web-based data).

In regards to claim 7, Karpinski teaches wherein the shipping system server includes a scheduler for automatically retrieving information required to generate a tracking request from the data storage device, wherein the scheduler times said retrieval of information to occur at a predetermined time (WebMethods website articles, page 5, both on demand and scheduled extraction of targeted websites.).

In regards to claim 8, Karpinski teaches wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package (WebMethods website articles, page 12, Elements of WIDL).

In regards to claim 13, Karpinski teaches an E-mail services component for generating an E-mail message to a party specified by the user when the tracking information indicates that the package has been delivered to the recipient (para. 7).

In regards to claim 15-17,19-22,24,25 and 26, Karpinski teaches all the elements of the tracking method for the system in claims 1-14 (see response to claims 1-14).

### ***Response to Arguments***

In response to applicant's arguments that the claimed features in independent claims 1 and 15 are not taught or suggested by the combination of Karpinski and Webmethods, it is noted that Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Friday 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.**

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]



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**(703) 746-7206** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

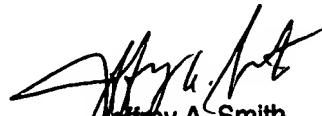
Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Mark Fadok

Patent Examiner



Jeffrey A. Smith  
Primary Examiner